

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15535 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

BHARTIBEN MUKESHCHANDRA MEHTA

Versus

MUKESH CHNDRA MEHTA

Appearance:

1. Special Civil Application No. 15535 of 2003
MR MA KHARADI for Petitioner No. 1
MS SHAILI A KAPADIA for Respondent No. 1
RULE UNSERVED for Respondent No. 1
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. The petitioner herein has preferred this petition

in order to modify the order passed by the learned Civil Judge (S.D.), Bharuch, upon exh.5, in Hindu Marriage Petition No.7 of 2003, by ordering the respondent to pay the petitioner Rupees Six Thousand per month as maintenance from the date of filing of the said petition before the trial Court.

2. The petitioner herein married the respondent on 04/06/1998 as per Hindu rites and went to her matrimonial home. It is the case of the petitioner that three months after her marriage, she was harassed by the respondent and his family members for dowry. On 13/05/1999, the petitioner gave birth to a baby girl and on her return to her matrimonial home with the baby, the petitioner was taunted and harassed by the respondent and his family members on the ground of not giving birth to a male child. On 21/03/2001, the petitioner was compelled to leave her matrimonial home.

3. Feeling aggrieved by the ill-treatment meted out to her by the respondent and his family members, the petitioner preferred a petition before the Civil Judge, Bharuch. Hence, this petition.

4. I have heard learned counsel for the parties and perused the relevant documents. The respondent herein is an employee of a Public Sector Undertaking and being the only son he is looking after his parents and daughter. The parents being of old age and since the respondent has to go for official tours frequently, servants have been employed to look after his parents and daughter. So, he has to spend a considerable amount for maintaining his family. Now, considering the fact that the respondent is drawing a net salary of approximately Rs.11,000/- after deducting all liabilities, it would be appropriate to increase the maintenance amount which has been granted by the trial Court.

5. Hence, the respondent is directed to pay the petitioner an amount of Rs.2,000/- (Rupees Two Thousand only) per month towards maintenance. The respondent shall also pay the petitioner the amount of arrears from the date of filing of the petition before the trial Court till 30th October, 2004, within a period of four weeks from the date of receipt of writ of this order. From November 2004 onwards the respondent shall pay an amount of Rupees Two Thousand per month regularly to the petitioner towards maintenance. The said amount shall be paid on or before the 10th of every month.

6. With the above directions, the petition is partly

allowed. Rule is made absolute to the above extent. It shall be open for the respondent to make an application before the trial Court for expediting the hearing of the proceeding, since the matter is already on the board of the trial Court. If such an application is made by the respondent, the trial Court shall hear and dispose of the said suit as expeditiously as possible.

(K. S. Jhaveri, J.)

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